

REMARKS / ARGUMENTS

I. General Remarks and Disposition of the Claims

Please consider the application in view of the following remarks. Applicants thank the Examiner for his careful consideration of this application including the references that Applicants have submitted in this case and, pursuant to MANUAL OF PATENT EXAMINING PROCEDURE §609.02, all references submitted in the patent applications to which this application claims priority under 35 U.S.C. §120.

At the time of the Office Action, claims 1-3 and 5-38 were pending in this application. Of these, claims 11-38 were indicated as withdrawn. Claims 1-3 and 5-10 were rejected in the Office Action. By this paper, claims 1 and 8 have been amended and claim 6 has been canceled. These amendments are supported by the specification as filed. All the amendments are made in a good faith effort to advance the prosecution on the merits of this case. It should not be assumed that the amendments made herein were made for reasons related to patentability. Applicants respectfully request that the above amendments be entered and further request reconsideration in light of the amendments and remarks contained herein.

II. Remarks Regarding Rejections Under 35 U.S.C. § 102(b)

Claims 1, 3 and 5-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dickson et al. (US 3,271,307).

Applicants respectfully disagree. Applicants respectfully submit that the cited reference does not disclose each and every limitation of claims 1, 3, and 5-10, as required to anticipate these claims under 35 U.S.C. § 102(b). See MPEP § 2131.

In particular, with respect to independent claim 1, Dickson fails to disclose a hydrophobically modified polymer that comprises "a polymer backbone comprising polar heteroatoms wherein at least one polar heteroatom is not a nitrogen," as recited by amended claim 1. Dickson, by contrast, teaches branched polyamines wherein the branched group contains at least one amino group. Dickson does not disclose a polymer backbone comprising polar heteroatoms other than nitrogen. As such, the cited reference does not disclose each and every limitation of this claim.

Therefore, Applicants respectfully assert that independent claim 1 and its dependent claims are not anticipated by Dickson. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 1, 3 and 5-10.

III. Remarks Regarding Rejections Under 35 U.S.C. § 102(e)

~~Claims 1-3 and 5-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sullivan et al. (US 7,081,439 B2).~~

Applicants respectfully disagree. Applicants respectfully submit that the cited reference does not disclose each and every limitation of claims 1-3 and 5-10, as required to anticipate these claims under 35 U.S.C. § 102(e). See MPEP § 2131.

In particular, with respect to independent claim 1, Sullivan fails to disclose “a hydrophobically modified polymer, wherein the hydrophobically modified polymer is a reaction product of a hydrophobic compound selected from an alkyl halide, a sulfonate, a sulfate, and an organic acid derivative, and a hydrophilic polymer that comprises a polymer backbone comprising polar heteroatoms wherein at least one polar heteroatom is not a nitrogen,” as recited by amended claim 1. As such, the cited reference does not disclose each and every limitation of this claim.

Therefore, Applicants respectfully assert that independent claim 1 and its dependent claims are not anticipated by Sullivan. Accordingly, Applicants respectfully request withdrawal of this rejection with respect to claims 1-3 and 5-10.

IV. No Waiver

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner’s additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

SUMMARY

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice

of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due in association with the filing of this response. Should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefore, and direct that any additional fees be charged to McDermott Will & Emery's Deposit Account No. 500417, Order Number 086108-0165.

Respectfully submitted,

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